LATSHA DAVIS & MCKENNA P.C.
By: Glenn R. Davis, Esquire
gdavis@ldylaw.com
1700 Bent Creek Boulevard,
Mechanicsburg, PA 17050   Attorneys for Petitioner,
(717) 620-2424   YouthBuild Columbus Community School

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Petition for Reconsideration of the Wireline)	
Competition Bureau's Order Denying YouthBuild)	CC Docket No. 02 – 6
Columbus Community School's Appeal)	
)	
Appeal of Funding Year 2003-2004 Funding)	
Commitment Adjustment detailed in the USAC)	
Letter dated May 7, 2008 as presented on)	
July 22, 2011 and received on August 4, 2011)	
)	
Funding Year 2003)	
Form 471 Application Number: 370891)	
Funding Request Number: 1011977)	
Applicant: YouthBuild Columbus Community)	
School, Columbus OH)	
(BEN 233818))	

ORDER

AND NOW, this _____ day of _____, 20__, upon Petition of the YouthBuild Columbus Community School for Reconsideration of the Order of the Wireline Competition Bureau released November 26, 2012, it is HEREBY ORDERED that the Petition for reconsideration is GRANTED and no further action is required.

BY THE CHIEF, TELECOMMUNICATIONS
ACCESS POLICY DIVISION, WIRELINE
COMPETITION BUREAU

_____

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PETITION FOR RECONSIDERATION OF THE
TELECOMMUNICATIONS ACCESS POLICY DIVISION,
WIRELINE COMPETITION BUREAU'S ORDER DENYING
YOUTHBUILD COLUMBUS COMMUNITY SCHOOL'S APPEAL

Petititoner YouthBuild Columbus Community School ("YouthBuild") requests that the

Telecommunications Access Policy Division, Wireline Competition Bureau reconsider its Order

denying Youthbuild's Appeal for the reasons that (1) YouthBuild had a technology plan in place

for the relevant funding year but made a clerical or ministerial error upon submitting the plan for

approval; (2) YouthBuild made a good faith effort to plan for technology; and (3) the Universal

Service Administrative Company's demand for recovery is time barred. Enclosed please find as

Exhibit A, a Declaration from Chris A. Quintanilla, an E-rate consultant providing E-rate consulting services to YouthBuild for various periods from January, 2003 through present. Mr. Quintanilla, *inter alia*, attests to the creation and implementation of a technology plan covering the 2003 funding year.

By January 4, 2013, YouthBuild will supplement this filing with a Memorandum of Law in Support of this Petition for Reconsideration as well as other relevant documents.

Respectfully submitted,

LATSHA DAVIS & MCKENNA, P.C.

BY: _____

GLENN R. DAVIS, ESQUIRE
Attorneys for Petitioner
YouthBuild Columbus Community School

EXHIBIT A

DECLARATION OF CHRIS A. QUINTANILLA

LATSHA DAVIS & MCKENNA P.C.
By: Glenn R. Davis, Esquire
gdavis@ldylaw.com
1700 Bent Creek Boulevard,
Mechanicsburg, PA 17050   Attorneys for Petitioner,
(717) 620-2424   YouthBuild Columbus Community School

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School, Columbus OH)	
(BEN 233818))	

DECLARATION OF CHRIS A. QUINTANILLA

Pursuant to 28 U.S.C. § 1746, Chris A. Quintanilla, makes the following unsworn

declaration under penalty of perjury:

1.   I am a consultant organized as a sole proprietor with a principal place of business

at 950 Ridge Road, Suite C-29, Claymont DE 19703-3538.

2.   During the time that YouthBuild Columbus Community School's E-rate

application for funding year 2003 was submitted, reviewed and processed, I was an employee of

Youth Empowerment Services, a Pennsylvania non-profit corporation, with a principal place of business of 1231 N. Broad St., Fl 4, Philadelphia, PA 19122.

3. For various periods from January, 2003 through present, I, either through Youth Empowerment Services, or as an independent consultant, provided E-rate consulting services to YouthBuild.

4. On or around January, 2003, I prepared a technology plan (the "Plan") for YouthBuild in support of its 2003 funding request for internal connections (Funding Request Number 1011977). The Plan is attached as Exhibit A.

5. Given the Ohio Department of Education's ("ODE" or the "Department") unique filing system, the Plan had to be reformatted for entry into ODE's system (the "Reformatted Plan").

6. The Reformatted Plan was substantively identical to the Plan.

7. I began the reformatting and submission process and then requested that then-YouthBuild Principal Joyce Swayne complete the process given that only she had authority to submit the Reformatted Plan to ODE.

8. Upon information and belief, Principal Swayne completed the reformatting and saved the Reformatted Plan to ODE's filing system by pressing the "SAVE" button.

9. However, upon information and belief, Principal Swayne, while saving the Reformatted Plan to ODE's filing system, may have neglected to press the "SUBMIT" button.

10. This possible error was discovered by BearingPoint, working under contract with the Universal Service Administrative Company ("USAC"), when it conducted a site visit of YouthBuild on March 31, 2005, as part of an ongoing site review program.

11.   On or about such time, Principal Swayne and I repeatedly attempted to retrieve the Reformatted Plan from ODE however, the Department was not cooperative.

12.   Upon information and belief, YouthBuild did not receive a Notification of Improperly Disbursed Funds Letter from USAC until August 4, 2011 (via letter dated July 22, 2011).

13.   On or around August 4, 2011, I instructed YouthBuild's School Administrator EMIS/SOES, Leigh Ann King to review YouthBuild's records to determine if a copy of the Reformatted Plan still existed.
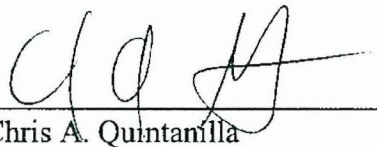
14.   Upon information and belief, Ms. King conducted the review but was unable to locate a copy of the Reformatted Plan.

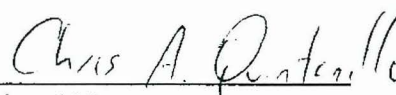15.   I oversaw the implementation of the Plan.

16.   YouthBuild appropriately implemented the Plan.

I make this declaration based upon personal knowledge and upon facts that are known to me and state further that I am competent to make this Declaration and to testify to the matters stated therein.
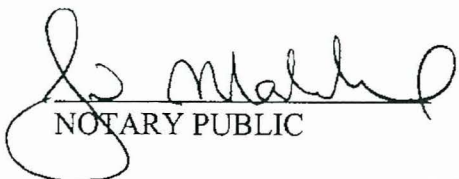
Dated: December 26, 2012

_____

Chris A. Quintanilla
Independent Consultant
Agent of YouthBuild Columbus Community School

Sworn and subscribed before me

Chris A. Quintanilla
Printed Name

this 26th day of December 2012

_____
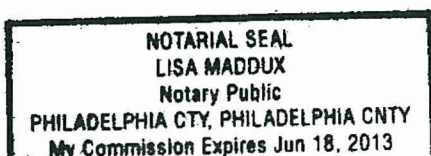NOTARY PUBLIC

By: _____

Attest: _____

EXHIBIT A

TECHNOLOGY PLAN

YouthBuild Columbus Community School
Technology Plan

Gil Barno, Executive Director
Anthony English, Member – Board of Directors
Joyce E. Swayne, Principal

YouthBUild Columbus Community School
1183 Essex Avenue
Columbus, OH 43201
(614) 291-0805

January, 2003

Table of Contents

Technology Plan
YouthBuild Columbus Community School

YouthBuild Columbus Community School Technology Vision Statement

In keeping with the vision and goals of the State of Ohio, YouthBuild Columbus Community School is committed to graduating students who possess the skills needed to succeed in an increasingly complex information society. The ability to process and manipulate information has already become the single most important determiner of economic success for individuals as well as states and countries. In this new information age, the ability to gather and distribute information through electronic communication is vital. Therefore, YouthBuild Columbus Community School's vision is to graduate students who are comfortable with and proficient in using technology in all its forms and who possess the skills to interact with individuals or organizations and agencies through computer telecommunications.

Goals

All YouthBuild Columbus Community School educators and learners will have access to technology, and the knowledge and skills to use it effectively to improve student achievement and life long learning.

To that end, our instructional/curricular goals are as follows:

- Immediate Goals
    - Develop and complete a long-term technology plan that facilitates technology integration into the curriculum.
    - Provide software and hardware appropriate to allow the advancement of the technology plan.

- Short Term Goals (3 – 6 months)
    - Introduce a technology plan to teachers and provide necessary training needed to provide teachers a level of confidence that would stimulate the integration of technology into their lesson plans.
    - Introduce students to technology and its uses

- Intermediate Goals (6 – 12 months)
    - Begin using technology in the classrooms
    - Provide continuity, training and support for teachers and support staff to keep up with changing technology

- Long Term Goals (6 – 60 months)
    - Provide technology to all students through curricula constantly being updated to utilize new technology as it becomes available.

Beliefs

- Every YouthBuild Columbus Community School learner should have opportunities to acquire the technological knowledge and skills necessary to compete in a global economy and to exercise the rights and responsibilities of citizenship.

- YouthBuild Columbus Community School personnel should provide appropriate integration of technology with standards-based curricula and instructional management to enhance student learning.

- All stakeholders should share the responsibility to develop, implement, and utilize standards-based technology programs in YouthBuild Columbus Community School.

Technology Needs Assessment

In order to best meet the needs of the YouthBuild Columbus Community School community, we have determined that we require an initial technology inventory sufficient to accommodate the technology and educational needs of over 100 students and 12 staff members over the next five years as YouthBuild Columbus Community School expands its mission to include technology in its curriculum.

To that end, the school requires the following inventory of technology:

- Internet data circuit capable of supporting over 100 concurrent users (e.g. T1, T3, DSL, Cable, ATM, Frame Relay Point-to-Point, SONET, SMDS, Satellite, etc…)

- File and Print, Mail, Terminal, and Internet servers and server software to facilitate file storage, Internet mail exchange, support of older workstations, and monitoring/blocking of Internet sites per federal regulations

- Internal Wiring and networking equipment for high-speed LAN connections

Objectives

OBJECTIVE 1: TECHNOLOGY-RICH LEARNING ENVIRONMENTS

The educational infrastructure in YouthBuild Columbus Community School will include appropriate technology and qualified staff which will enhance teacher effectiveness, student achievement, and instructional management.

To ensure equity of access to advanced technologies that enhance the learning process for every student, YouthBuild Columbus Community School will provide a technical infrastructure to provide training and staffing required to support educational technology.

A. Utilizing State-Provided Strategies

1. YouthBuild Columbus Community School will utilize all resources derived from the State of Ohio as it researches, adopts, and periodically reviews standards for technical infrastructure that provides opportunities for interconnection at the local, state, national, and international levels.

2. YouthBuild Columbus Community School will utilize all assistance from the State of Ohio in meeting its needs in the usage of recognized and approved models which configure technology components for services typically selected by schools.

B. Implementing Strategies at the School Level

1. YouthBuild Columbus Community School will implement a short-range technology planning process that addresses basic technical infrastructure at the school level.

2. YouthBuild Columbus Community School will implement a long-range technology planning process for school and classroom technology that addresses specific content needs and administrative applications at the school level.

3. YouthBuild Columbus Community School will implement a school level plan, which reflects the needs of the 21st century, to equip the school with the necessary technology to support the teaching and learning process along with its instructional management needs.

OBJECTIVE 1 – TECHNOLOGY-RICH LEARNING ENVIRONMENTS

Key Task	Responsible Parties	Time Lines
Establish and Educational Technology Planning Committee of representatives from administration, teachers, and parents to develop and adopt a technology plan that includes uniform standards.	Technology planning committee (TPC) Administration	2003-ongoing
Update information on emerging hardware, software and services that will serve the school efficiently and effectively.	TPC	2003-ongoing
Implement short-range plans and report progress to stakeholders	TPC	2003-ongoing
Implement long-range plans and report progress annually to stakeholders	TPC	2003-ongoing
Offer training sessions for teachers	Technology Manager	2003-ongoing

OBJECTIVE 2: PROFESSIONAL DEVELOPMENT STRATEGY

YouthBuild Columbus Community School educators will have opportunities for professional development in the use of technologies that help students meet high academic standards.

Integrating technology into the classroom can only be effective when teachers understand how to integrate technology into education.

A. School Standards

    1. Integrate into professional development an understanding of state and national technology standards and competencies (ISTE)

    a. Training and support strategies will be provided to ensure that the staff has the appropriate competencies and continuous support needed to use educational technology to deliver and support instruction.

    b. Provide opportunities for all staff to enhance their educational technology knowledge and skills.

    2. Formulate a school improvement plan, including professional development, and educational technology, with the involvement of district, school, community, and business representatives.

    a. Develop school educational technology plan, to encourage broad-based advice on technology and on teacher training needed to achieve technological literacy and improve student performance.

    b. Collaborate with district, parents, and community partners to formulate plans for integrating technology and the curriculum.

    3. Provide educators with access to professional development in the use of educational technology in order to prepare them to help students meet high academic standards.

    a. Provide sustained and efficient professional development to ensure that educators are adequately equipped to facilitate student learning and to manage instructional planning, assessment and evaluation.

    b. Provide professional development to educators based on research proven strategies for effectively using technology to support teaching and learning.

OBJECTIVE 2 – PROFESSIONAL DEVELOPMENT

Key Tasks	Responsible Parties	Time Lines
Appoint School Technology Coordinator for the school (TC).	Administration	2003-ongoing
Build school support teams.	Administration/ TPC	2003-ongoing
Develop school educational technology plan, including professional development.	School staff	2003-ongoing
Development of school home page to provide training schedules and courses.	School staff	2003-ongoing
Collaborate with government, colleagues, parents, and community partners to formulate plans for integrating technology and the curriculum.	School Staff	2003-ongoing
Provide sustained and effective professional development based on research proven strategies	TPC	2003-ongoing
Provide opportunities for all teachers to enhance their educational technology knowledge	Administration/ TPC	2003-ongoing
Maintain professional library of technology materials	Technology Manager	2003-ongoing

OBJECTIVE 3: INTEGRATION OF TECHNOLOGY AND LEARNING

All school educators, in order to assist in improving student performance, will have access to curricular materials and resources that support the use of technology in teaching, learning, and instructional management.

YouthBuild Columbus Community School, in collaboration with education stakeholders, will actively participate in the development of school educational technology plans.

A. School Strategies

      1. Develop and implement school plans that integrate technology and curriculum and define measures for documenting success in raising student achievement levels.

      2. Have equitable access to equipment and materials for integrating technology and curriculum so that teachers and students will have appropriated resources to attain needed skills and competencies.

      3. Implement local curriculum based on state content standards for high academic achievement.

OBJECTIVE 3 – INTEGRATION OF TECHNOLOGY AND LEARNING

Key Tasks	Responsible Parties	Time Lines
Provide opportunities for students to apply state of the art technology to critical thinking, communications, data collection, and analysis and problem-solving.	Administration Teachers	2003-Ongoing
In collaborative teams of community and school representatives, select and develop text and resource materials that promote technological skills and competencies students need upon graduation.	Technology Committee	Ongoing
In collaborative teams of university, community, and the school site coordinator, select and evaluate technology-based instructional management systems to: (a) document student progress and (b) assess and evaluate instructional planning.	Technology Manager	Ongoing
Provide training for administrators, teachers, paraprofessionals, and staff on software that is grade level or task appropriate.	Technology Manager	Ongoing

OBJECTIVE 4: TECHNOLOGY LEADERSHIP, POLICY, AND ACCOUNTABILITY

Discerning leaders at every educational and policy level will (a) choose technology policies and procedures that promote achievement by all students, including those with special needs, and (b) carefully monitor the effectiveness of technology use throughout the education system.

To build capacity for integration of technology with teaching, learning, and educational management, technology leadership will be developed and enhanced.

A. School Strategies

1. Cultivate leadership within each school to guide the appropriate integration of technology and curricula.

   a. Establish Education Technology Planning Committee

   b. Designate School Technology Coordinators

   c. Provide training and support for teacher competency in technology for improved student learning

   d. Provide awareness and training for parents and community

2. Establish targets for measuring the effectiveness of technical infrastructure, training, and curriculum in improving student learning.

   a. Application of technology in the curricula.

   b. Documentation of lesson plans using technology and curriculum standards for enhanced student learning.

   c. Analyze student performance to ascertain levels of improvement in student achievement.

   d. On-going monitoring of student performance to improve achievement.

B. Recommended Strategies

1. Develop policies concerning ethical and legal issues such as acceptable use, copyright, security, confidentiality, and equity of access; monitor school-wide procedures for adherence to these policies.

   a. Educational Technology Planning Committee will develop policies.

   b. Review and distribution of School Board approved policies to administrators, school staff, and community.

   c. Monitoring at school for policy compliance.

   d. Establish yearly review and revision of policies as needed.

OBJECTIVE 4 – TECHNOLOGY LEADERSHIP, POLICY, AND ACCOUNTABILITY

Key Tasks	Responsible Parties	Time Lines
Develop and revise YouthBuild Columbus Community School Technology Plan	TPC	2003 – Ongoing
Appoint School Technology Manager	TPC	2003 – Ongoing
Establish board-approved policies, including policies concerning ethical, legal, and security issues.	Administrators Technology Manager	2003 – Ongoing
Implement the integration of technology in the curricula	Administrators Teachers	2003 – Ongoing
Document student success in using technology to identify problems, collect and analyze data, and organize and convey information.	Technology Manager Teachers Administrators	2003 – Ongoing
Establish and support model educational technology sites to demonstrate initiatives and provide training.	Technology Manager	2003 – Ongoing
Develop parental and volunteer programs that assist with technology use in school and reinforce students' understanding of the need for technological literacy in all aspects of life.	Technology Manager Teachers Administrators	2003 – Ongoing
Develop and implement a plan for evaluating the effectiveness of technology use by teachers and administrators.	Technology Manager Teachers Administrators	2003 – Ongoing
Develop strategies to help ensure the appropriate use of technology by YouthBuild Columbus Community School students.	Technology Manager Teachers Administrators	2003 – Ongoing

OBJECTIVE 5: PUBLIC AWARENESS

YouthBuild Columbus Community School will launch public awareness initiatives to promote support for excellence in student achievement through the use of educational technology.

Alliances among schools, districts, local communities and universities will enhance efforts to develop technology *as an essential component in students' acquisition of skills and competencies needed to ensure their role as productive workers and responsible citizens in the Information Age.*

A. School Strategies

1. Major stakeholders collaborate on public awareness, alliances, and community outreach initiatives to increase understanding of technology requirements in the workplace and the need for students to acquire those skills at school.

   a. Provide information and gain ideas on workplace needs through meeting between Sabine Parish Chamber of Commerce, community entities, and District/School Staff.

   b. Provide information and gain ideas on community needs through Community Advisory Council Meetings.

   c. Provide parent workshops at school to increase parent awareness of technology.

2. Identify resources for the exchange of technology information among education stakeholders to ensure that strategies and practices proven successful in improving student achievement will be replicated.

   a. Construction of YouthBuild Columbus Community School home page providing access to current, effective, and informative educational resources.

   b. Establishment of Internet access available to students in YouthBuild Columbus Community School.

Key Tasks	Responsible Parties	Time Lines
Establishment of Internet access in the school.	Technology Manager	2003 - Ongoing
Edit school home page.	Teachers/ Students	2003 – Ongoing
Produce newsletters, press releases, web pages, and print materials too inform stakeholders of technology programs, plans, opportunities, and initiatives.	Teachers/ Students	2003 – Ongoing
Publicize results of funded technology programs and projects and evaluation results showing the effect of technology on student achievement.	Administration	2003 – Ongoing
Provide and enforce acceptable use policy	Technology Manager	2003 – Ongoing

EVALUATION

The effectiveness of YouthBuild Columbus Community School Technology Plan will include formative and summative evaluation, with all data to be used in writing new and updated YouthBuild Columbus Community School Technology Plans.

All documentation will be kept by the Technology Management for use in formative evaluation throughout the year and for use by the Technology Planning Committee in the summative evaluation.

Formative	Summative
State of Ohio will approve Technology Plan	Letter of Acceptance from State of Ohio Department of Education
Technology Planning Committee will meet and evaluate ongoing implementation of plan three times during fall and spring and report to Administration	Technology Planning Committee Agendas Sign-ins
Technology Professional Development Plan will be implemented and ongoing training sessions will be held and evaluated for effectiveness.	Calendars of Training Schedules Listing of Participants Participants Evaluation of Training
Teacher needs assessment will be used to ascertain standards based technology into curriculum needs	2003 Needs Assessment Results
School Home Page will be revised and updated with evaluation on-line for viewers to comment and evaluate	2003 Technology Plan Revision Comments
Training sessions will include assessing competency level of and ongoing needs assessments of current training needed	List of teachers in YouthBuild Columbus Community School in Teachers Technology Competency Level Needs Assessment Data
Documenting success in raising student achievement levels with the use of technology by comparing data from teachers using technology and teachers not using technology; i.e., analysis of grades, absences, suspensions, and drop-outs.	Comparisons of student achievement in classes where technology is integrated effectively and consistently in the curriculum and classes where it is not. Comparison Charts
Teachers receiving computer stations will keep portfolios of each students work documenting the use of technology	Teacher Lesson Plans Student Portfolios
Teachers receiving calculators will keep portfolios of each student work documenting the use of calculators to raise academic achievement, relate to the real world, and to prepare students for the global economy.	Student Portfolios Teacher Lesson Plans Attainment Rates
Teachers will implement English/Language Arts and Math curriculum using technology, as documented in lesson plans and teacher portfolios	Teacher Lesson Plans Teacher Portfolios
Training schedules for parents on hardware, software, and online options at the school level.	Calendar of Training Schedules Agendas YouthBuild Columbus Community School Technology Software List

Document student success in using technology in the classroom and ongoing analysis of data for planning of teacher and student training	Teacher and Student Portfolios Samples of Student Work
Keep documentation to recognize model technology sites	YouthBuild Columbus Community School list of technology Model Sites
Develop lists of parents, volunteers, and business groups to assist with technology use in school and reinforce students understanding of the need for technology in all aspects of life.	Technology Resource Listings
Media such as newspapers, press releases, web pages, and print materials informing stakeholders of the technology programs, plans, and initiatives.	Media Folder with documentation
Customer service polls and surveys analyzing the functionality, efficiency, and usability of procured hardware, software, and telecommunications lines.	Technology Manager's folder with completed surveys

YouthBuild Columbus Community School Planning Committee

Mr. Gil Barno, Executive Director, YouthBuild Columbus Community School
Mr. Anthony English, Member – Board of Directors, YouthBuild Columbus Community School
Ms. Joyce E. Swayne, Principal, YouthBuild Columbus Community School

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(BEN 233818))	

CERTIFICATE OF SERVICE

I, JOSHUA E. POLLAK, Esquire, hereby certify that I did cause to be served a true and correct copy of the foregoing YouthBuild Columbus Community Charter School's Petition for Reconsideration on the 26th day of December, 2012 on the following parties:

<u>VIA ELECTRONIC MAIL</u>

James Bachtell – james.bachtell@fcc.gov
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission
Washington, D.C. 20554

P. Gilbertson Barno - GBarno@aol.com
Leigh Ann King (Morrison) - lmorrison@youthbuildcolumbus.info

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1183 Essex Avenue
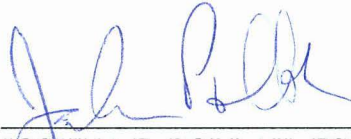Columbus, OH 43201-2925

Chris A. Quintanilla - chris@itagusa.com
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Charles Skinner – omicron65@hotmail.com
545 Edgemont Avenue
Lansdale, PA 19446

VIA THE ELECTRONIC COMMENT FILING SYSTEM

Trent Harkrade, Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission
Washington, D.C. 20554

_12-26-12_____   _____
DATE   JOSHUA E. POLLAK, ESQUIRE
                                    Attorneys for Petitioner
                                    YouthBuild Columbus Community School